

# Notice of Allowability

Application No.

10/039,218

Examiner

Joshua L Pritchett

Applicant(s)

LESNIAK, JON R.

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to RCE and Amendment dated December 22, 2003.
2. ☒ The allowed claim(s) is/are 1-22.
3. ☒ The drawings filed on 03 January 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

### **DETAILED ACTION**

This action is in response to Request for Continued Examination and Amendment dated December 22, 2003. Claims 1, 6, 14, 15 and 21 have been amended as requested by the applicant.

#### ***Response to Arguments***

Applicant's arguments, see Amendment, filed December 22, 2003, with respect to claims 1, 6, 11 and 15 have been fully considered and are persuasive. The rejection of claims 1-22 has been withdrawn.

#### ***Allowable Subject Matter***

Claims 1-22 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claim 1, the prior art of record fails to teach or suggest a circular polarizer comprising a linear polarizer, a half wave plate that creates elliptically polarized light for every wavelength not the selected wavelength, a partial polarizer that changes the eccentricity of the elliptically polarized light of every wavelength not the selected wavelength to a value opposite in sign and equal to that produced by a quarter wave plate, and a quarter wave plate.

Regarding claim 6, the prior art of record fails to teach or suggest a circular polarizer comprising a linear polarizer, a half waveplate, a partial polarizer and a quarter waveplate and a

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first and a second set of glass plates disposed at an angle to the optical axis and the first and second set of plates lie in planes which intersect at 90 degrees.

Regarding claim 11, the prior art of record fails to teach or suggest creating circularly polarized light by passing a polychromatic beam of light through four optical elements wherein the first polarizes the beam and the fourth circularly polarizes the beam, and the second introduces a first wavelength dependent error for each wavelength which is twice as great and of opposite sign as a second wavelength dependent error produced by the fourth element.

Regarding claim 15, the prior art of record fails to teach or suggest a circular polarizer comprising a linear polarizer, a half waveplate introducing a first wavelength dependent error twice as great and of opposite sign as a second wavelength dependent error produced by a quarter waveplate and being rotated 45 degrees in a first direction with respect to the direction of polarization, a means to reduce the first wavelength dependent error to equal the second wavelength dependent error in magnitude, and a quarter waveplate.

The remaining claims depend from claims 1, 11 and 15 and are therefore allowable for the same reasons stated above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joshua L Pritchett whose telephone number is 571-272-2318. The examiner can normally be reached on Monday - Friday 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew A Dunn can be reached on 571-272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JLP

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DREW A. DUNN  
SUPERVISORY PATENT EXAMINER